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Mohammad Hossein Zarrabizadeh

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Alcatel-Lucent USA Inc.

600-700 Mountain Avenue

Murray Hill, NJ 07974

EXAMINER

LEE, JOHN W

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/673,892
Filing Date: September 29, 2003
Appellant(s): ZARRABIZADEH, MOHAMMAD HOSSEIN

Eugene J. Rosenthal (Reg. No. 36,658)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 22 September 2010 appealing from the Office action mailed 6 January 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

- Claims 1-22 and 54 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.
- Claims 1-9, 11, 13-18, 20-32, 34-37, 53-54 and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Reed et al. (US 6,590,996 B1).
- Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. (US 6,590,996 B1) in view of Baudry et al. (US 2004/0001626 A1).
- Claim 12, 19 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. (US 6,590,996 B1) in view of Doerr et al. ("A guide tour of video watermarking").

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner.

- Claims 1-22 and 54 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

US 6,590,966 B1 Reed et al. 7-2003

US 2001/0001626 A1 Baundry et al. 1-2004

Doerr et al. "A guide tour of video watermarking" Singal Processing: Image Communication, vol. 18 (April 2003), pp 263-282

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9, 11, 13-18, 20-32, 34-37, 53-54 and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Reed et al. (US 6,590,996 B1).

Regarding claim 1, Reed discloses a method of watermarking (col.3, line 57, "watermark) a video signal (col. 4, lines 10-20, "host signal ... video") including

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additional information (col. 3, line 57, "information signal") therein, the method the steps of automatically impressing (col. 15, lines 22, "insert") at least a portion of said additional information (col. 15, lines 22, "two watermark component") upon a chrominance portion (col. 15, line 31, "color plane ... chrominance plane") of said video signal (col. 4, lines 10-20, "host signal ... video") by placing it in at least one selected bit position of a value (col. 15, line 34, "bit") derived from an average of said chrominance portion (col. 15, line 31, "color plane ... chrominance plane"; col. 37, lines 29-34 and lines 50-62, " color masking ... a chrominance mapping would be to change yellow only ...") over a block (col. 38, lines 20-24; "Color channels to which the watermark is applied are altered depending on a characteristic color of an image block to be transformed to transform coefficient for watermark encoding, which can be computed as an average of the color for that block.") of said video signal (col. 4, lines 10-20, "host signal ... video").

Regarding claim 2, Reed discloses wherein said portion of said additional information being a bit (col. 15, line 34, "bit").

Regarding claim 3, Reed discloses wherein said additional information replacing at least one bit of said value(col. 15, line 34, "bit") derived from said average of said chrominance (col. 15, line 31, "color plane ... chrominance plane") portion over said block (col. 2, lines 50-51, "average color of the block").

Regarding claim 4, Reed discloses wherein said value derived from an average of said chrominance portion over a block of said video signal being the average of the values of said chrominance portion for each pixel of said block (Fig. 7; col. 14, lines 41-49, "... pixel blocks").

Regarding claim 5, Reed wherein said additional information being not substantially perceivable by the human visual system (col. 34, lines 1-2, “substantially imperceptible to human visual perception”) when said video signal including said additional information is displayed on a display device (Fig. 20-1247; col. 33, line 20, “monitor”).

Regarding claim 6, Reed discloses wherein said additional information being impressed by changing the value of said chrominance portion of various pixels of said block, and wherein the magnitude of the change in value any pixel is a function of the amount of change that can be introduced into said pixel without resulting (Fig. 14-958; col. 23, lines 46-67, “... magnitude ...”) in an artifact that is substantially detectable by the human visual system (col. 34, lines 1-2, “substantially imperceptible to human visual perception”).

Regarding claim 7, Reed discloses wherein said additional information being impressed by changing the value of said chrominance portion of various pixels of said block, and wherein the magnitude of the change in value any pixel does not exceed the amount of change (Fig. 14-958; col. 23, lines 46-67, “... magnitude ...”) that can be introduced into said pixel without resulting in an artifact that is substantially detectable by the human visual system (col. 34, lines 1-2, “substantially imperceptible to human visual perception”).

Regarding claim 8, Reed discloses wherein the position of said selected bit (col. 15, line 34, “bit”) being fixed for at least one block of at least one frame of (col. 2, lines

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50-51, "average color of the block") said video signal (col. 4, lines 10-20, "host signal ... video").

Regarding claim 9, Reed discloses wherein the position of said selected bit being dynamically determined (col. 15, line 34, "can range from a single bit") for at least one block of at least one frame of (col. 2, lines 50-51, "average color of the block") said video signal (col. 4, lines 10-20, "host signal ... video").

Regarding claim 11, Reed discloses wherein said bit position into which said additional information is impressed is a bit of the integer portion of said value derived from said average (col. 23, lines 60-61, "the final results is an array of samples, each having one of five values: {-2,-1,0,1,2}").

Regarding claim 13, Reed discloses wherein said average of said chrominance portion over said block of said video signal is a DC coefficient of said block in a frequency domain representation of said block of said video signal (col. 38, lines 24-25, "DC component of the color for that block").

Regarding claim 14, Reed discloses wherein said additional information was placed in said at least one selected bit position in a manner that makes a minimum change to said average (col. 36, lines 65-67, "... minimized ...").

Regarding claim 15, Reed discloses wherein said additional information being placed in said at least one selected bit position by adding a value to said average so as to make the value of said at least one bit position of said value derived from said average the same as said additional information to be impressed (col. 26, lines 10-17, "... add the detection value ...").

Regarding claim 16, Reed discloses wherein said additional information being placed in said at least one selected bit position by adding a value to said average so as to make said at least one bit position the same in said value derived from said average as said additional information to be impressed while making only a minimum change to the value of said average when impressing said data (col. 26, lines 10-17, "... add the detection value ...").

Regarding claim 17, Reed discloses wherein said additional information being placed in said at least one selected bit position by adding a value to said average so as to make said at least one bit position of said value derived from said average the same in value as said additional information to be impressed, said adding to said average having been achieved by adding an amount to the said chrominance portion of various pixels of said block, said additions to said pixel chrominance portions being made until a total of such additions equals the product of said value and the number of pixels in a block, said additions being independent of any other changes made to the chrominance portion of said pixels (col. 26, lines 10-17, "... add the detection value ...").

Regarding claim 18, Reed discloses wherein said video signal further comprising a margin signal added thereto to reduce the likelihood that said additional information will be eliminated should said video signal undergo quantization (col. 6, lines 61-67; col. 7, lines 1-19, "... quantization ...").

Regarding claim 20, Reed discloses wherein said additional information being placed in said at least one selected bit position by adding only a minimum necessary amount to said average so that in said value derived from said average said at least one

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bit position is made to have the same value as said additional information to be impressed and said value derived from said average is within a safe range (col. 26, lines 10-17, "... add the detection value ...").

Regarding claim 21, Reed discloses wherein said additional information being interleaved within said video signal with respect to its ordering prior to undergoing a process to be impressed therein (col. 20, lines 1-13, "... preprocessing ...").

Regarding claim 22, Reed discloses wherein said additional information being channel encoded within said video signal (col. 3, lines 57-60, "an information signal that is embedded in a host signal ...").

Regarding claim 23, Reed discloses an apparatus for embedding additional watermarking data within a video signal, comprising: a color selection unit for selecting a chrominance portion (col. 15, line 31, "selected color plane ... chrominance plane") of a block (col. 2, lines 50-51, "average color of the block") of said video signal (col. 4, lines 10-20, "host signal ... video") to carry a portion of said additional watermarking data (col. 15, lines 22, "two watermark component"); and a data adder that adds information (col. 3, line 57, "information signal") to pixels of said block (col. 2, lines 50-51, "average color of the block") of said video signal (col. 4, lines 10-20, "host signal ... video") thereby causing a change in the average value (col. 17, line 60, "average of samples") of said selected chrominance portion (col. 15, line 31, "selected color plane ... chrominance plane") so as to incorporate at least a portion of said additional watermarking data (col. 15, lines 22, "two watermark component") within said changed average value (col. 17, line 60, "average of samples").

Regarding claim 24, Reed discloses wherein said color selection unit comprises a prestored table in computer readable form that indicates for each area within at least a colorspace portion which chrominance portion should be selected for pixels within said each area (col. 34, line 52, "lookup table").

Regarding claim 25, Reed discloses further comprising a block interleaver that interleaves said additional watermarking data prior to said additional watermarking data being incorporated within said changed average value (col. 20, lines 1-13, "... preprocessing ...").

Regarding claim 26, Reed discloses further comprising a channel encoder that channel encodes said additional watermarking data prior to said additional watermarking data being incorporated within said changed average value (col. 20, lines 1-13, "... preprocessing ...").

Regarding claim 27, Reed discloses wherein said data adder modifies only a said selected chrominance portion of said pixels and further comprising a multiplexer for multiplexing at least the unmodified chrominance portion of said pixels and said modified chrominance portion of said pixels (Fig. 2-224, "combine").

Regarding claim 28, Reed discloses wherein said data adder further comprises a bit mapper (col. 9 lines 13-25, "... map ...").

Regarding claim 29, Reed discloses wherein said data adder further comprises a texture masking unit that determines a amount of change in said chrominance portion that a pixel can endure while minimizing the likelihood of a visible artifact resulting, and

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wherein said data adder adds no more than said amount to said pixel (col. 11, lines 17-34, "... mask ...").

Regarding claim 30, Reed discloses wherein said data adder adds a further value to pixels of said block of said video signal thereby causing the resulting new average value to be within a safe range (col. 15, line 34, "can range from a single bit").

Regarding claim 31, Reed discloses wherein said data adder changes said average value by the least amount necessary to carry said additional watermark data (col. 15, lines 22, "two watermark component").

Regarding claim 32, Reed discloses wherein said data adder adds a further value to pixels of said block of said video signal thereby causing the resulting new average value to be within a safe range (col. 15, line 34, "can range from a single bit") and wherein said data adder further adds to pixels of said block the value that changes said average value by the least amount possible (col. 17, line 60, "average of samples").

Regarding claim 34, claim 34 is analogous and corresponds to claim 23. See rejection of claim 23 for further explanation.

Regarding claim 35, claim 35 is analogous and corresponds to claim 15. See rejection of claim 15 for further explanation.

Regarding claim 36, claim 36 is analogous and corresponds to claim 15. See rejection of claim 15 for further explanation.

Regarding claim 37, claim 37 is analogous and corresponds to claim 17. See rejection of claim 17 for further explanation.

Regarding claim 53, claim 53 is analogous and corresponds to claim 23. See rejection of claim 23 for further explanation.

Regarding claim 54, claim 54 is analogous and corresponds to claim 23. See rejection of claim 23 for further explanation.

Regarding claim 57, Reed discloses an apparatus for embedding watermarking data within a video signal, comprising: means for receiving a video signal (col. 4, lines 10-20, "host signal ... video") in a frequency domain based format (col.9 lines 37-52, "frequency domain"); and means for changing a DC coefficient of at least one block (col. 38, line 25, "DC component of the color for that block") of said video signal(col. 4, lines 10-20, "host signal ... video") to carry at least a portion of said watermarking data (col. 15, lines 22, "two watermark component").

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. (US 6,590,996 B1) in view of Baudry et al. (US 2004/0001626 A1).

Regarding claim 10, Reed discloses all the claim limitations except the one specified in claim 10. However, Baudry discloses wherein the position of said selected bit is determined based on a texture variance of said block (paragraph [0083], "texture").

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Reed and Baudry are combinable because both are pertinent to the art of watermarking of the encoding and decoding process. By adding the steps of watermarking depending on the local characteristics such as texture of Baudry in Reed's method would not destroy any of the original features of Reed. It will actually benefit the Reed's method to be able to watermark the data more reliable and accurately. The texture is one of the characteristics that the bit or data can be watermark which human can hardly detect the difference. So, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the steps of watermarking depending on the local characteristics such as texture of Baudry in Reed's method for gaining the benefit of reliability and accuracy.

5. Claim 12, 19 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. (US 6,590,996 B1) in view of Doerr et al. ("A guide tour of video watermarking").

Regarding claim 12, Reed discloses all the previous claim limitations except the one specified in claim 12. However, Doerr discloses wherein said block of said video signal is in a reduced resolution format such that for each 2.times.2 luminance block of an original version of said video signal, had said original version of said video signal been in 4-4-4 representation, there remains only one Y, one U, and one V value (section 3.1; page 271, "4:4:4").

Reed and Doerr are combinable because both are pertinent to the art of watermarking. By adding the steps of chrominance resampling to 4:4:4: taught by Doerr

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in Reed's method would not destroy any of the original features of Reed. It will actually benefit the Reed's method to be able to watermark the data more efficiently, for resampling the chrominance is commonly used process to reduce storage needs. So, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the steps of chrominance resampling to 4:4:4: taught by Doerr in Reed's method would not destroy any of the original features of Reed for gaining the benefit of efficiency.

Regarding claim 19, Doerr further discloses wherein said video signal further comprising a margin signal added thereto to reduce the likelihood that said additional information will be eliminated should said video signal undergo motion picture experts group (MPEG)-type encoding (section 3.1; page 271, "mpeg").

Regarding claim 33, claim 33 is analogous and corresponds to claim 12. See rejection of claim 12 for further explanation.

(10) Response to Argument

I. Rejection of claims 1-22 and 54 under 35 U.S.C. 112, first paragraph

a.1 Appellant's argument

The appellant argues that there is clearly no requirement which the exact word, "automatically" has to appear in the specification. Moreover, one of ordinary skill in the art would readily recognize that the various process taught in the specification may be performed automatically (page 10, line 11- page 14, line 25).

a.2 Examiner's argument

The appellant's argument is persuasive, and the examiner withdraws the claim rejection of claims 1-22 and 54 under 35 U.S.C. 112, first paragraph as mentioned above under **"(6) Grounds of Rejection to be Reviewed on Appeal."**

II. Rejection of claims 1-9, 11, 13-18, 20-32, 34-37, 53-54 and 57 under 35 U.S.C. 102(b)

a.1 Appellant's argument

The appellant argues that "the characteristic color" is not a chrominance (page 15, lines 12-16). So, there was confusion between the color and chrominance.

a.2 Examiner's argument

The examiner disagrees with the appellant. There was no confusion from the previous Office action. The definition of chrominance is a color portion from a composite color video signal or image. So, the characteristic color is part of a chrominance. Moreover, Reed explicitly discloses using chrominance from color channels such as yellow channel (col. 37, lines 29-34 and col. 37, lines 51-62).

b.1 Appellant's argument

The appellant argues that there is no portion of the additional information that is placed by Reed into this calculated characteristic color (page 15, lines 17-25).

b.2 Examiner's argument

The examiner strongly disagrees with the appellant. Reed discloses that a color masking method maps changes in chrominance for selected color and may be used to

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map a change to encode a watermark to a chrominance change with colors that fall in a specified region (col. 37, lines 29-34). As an example, Reed discloses the Yellow channel (col. 37, lines 51-55) for the selected color. Furthermore, Reed discloses that color channels to which the watermark is applied are altered depending on a characteristic color of an image block to be transformed to transform coefficients, which are bits, for watermark encoding (col. 38, lines 29-24). The characteristic color can be computed as an average of the color of that block (col. 38, lines 24-25). So, these features overcome the appellant's argument.

c.1 Appellant's argument

Reed does not teach "to place the bits of watermark data into at least one selected bit of an average value of a chrominance portion over a block video signal" as required by applicant's independent claim 1. (page 15, lines 26-page 16, line 9).

c.2 Examiner's argument

The appellant is arguing something that is not recited in claim 1. Claim 1 discloses that "impressing at least a portion of said additional information upon a **chrominance portion** of said video signal by placing it in at least one selected bit position ..." (emphasis added). In other words, claim 1 requires an additional information of a **chrominance portion, not the watermark data**, being placed in at least one selected bit position (emphasis added). So, it is apparent that the appellant is interpreting claim 1 different with the way it is recited.

d.1 Appellant's argument

The appellant argues that the claim requires the actual watermark data bit to be received at the watermark receiver be placed by the watermark transmitter into the selected at least one bit position (page 16, line 10-17).

d.2 Examiner's argument

It is not clear when the appellant is mentioning the claim(s) (page 16, lines 10-17), which claim(s) the appellant is trying to indicate. If we assume the claim (page 16, lines 10-17) the appellant is trying to indicate is claim 1, the actual watermark data bit to be received at the watermark receiver be placed by the watermark transmitter into the selected at least one bit position is not recited in claim 1. As the examiner mentioned before, it is the information of a **chrominance portion, not the watermark data**, being placed in at least one selected bit position (emphasis added).

e.1 Appellant's argument

The appellant argues that Reed does not teach adding information to pixels of the block of the video signal to thereby cause a change in the average color value of a selected chrominance portion so as to incorporate at least a portion of additional watermarking data within a changed average value (page 16, lines 18-24).

e.2 Examiner's argument.

The examiner strongly disagrees with the appellant. Reed discloses that a color masking method maps changes in chrominance for selected color and may be used to map a change to encode a watermark to a chrominance change with colors that fall in a

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specified region (col. 37, lines 29-34). As an example, Reed discloses the Yellow channel (col. 37, lines 51-55) for the selected color. Furthermore, Reed discloses that color channels to which the watermark is applied are altered depending on a characteristic color of an image block to be transformed to transform coefficients, which are bits, for watermark encoding (col. 38, lines 29-24). The characteristic color can be computed as an average of the color of that block (col. 38, lines 24-25). So, these features overcome the appellant's argument.

f.1 Appellant's argument

The appellant argues that claims 38, 50, 55, 56 and 58 are allowable because the claims are directed to recovering the watermark data from a watermark video signal.

f.2 Examiner's argument.

The examiner disagrees with the appellant. Before the first Office action was mailed out, a requirement for restriction/election was sent out by the examiner. After the requirement for restriction/election, the appellant sent a response electing one of species disclosed in the requirement for restriction/election. Based on the elected species, claims 38, 50, 55-56 and 58 were not considered in the first Office action because claims 38, 50, 55-56 and 58 were out of the boundary or scope of the species which the appellant elected. So, the examiner does not understand why the appellant had to argue about the claims that were not considered in the previous Office action. It is also meaningless for the appellant to argue about the claims because the claims

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cannot be read by the species that the appellant elected in the requirement for restriction/election.

g.1 Appellant's argument

The appellant argues that color components such as R, G, B which Reed is discussing cannot be chrominance components by using examples of luminance and U.V value (page 18, line 1- page 19, line 14).

g.2 Examiner's argument

The examiner strongly disagrees with the appellant. The definition of chrominance is a color portion from a composite color video signal or image. R, G, B, which stands for Red, Green, Blue, respectively, is a format of color or color channels that is a chrominance. R, G, B or UV are different formats or standards of color channels. Moreover, the explanation of the appellant in page 18, line 11-page 19, line 14, seems like based on a well-known website (<http://en.wikipedia.org/wiki/Chrominance>), not from a standard color image processing book or an article. Wikipedia is a website which people can fix, modify or post knowledge or information. However, there are also lots of wrong information because the information are posted by so many different people, who might not be in the level of ordinary skill in the art. So, using solely the information posted on Wikipedia is not the proper way because the credibility of the information there is not guaranteed.

h.1 Appellant's argument

The appellant modifying the average color value, alleged to be the DC component, of a block in an arrangement such as disclosed by Reed could be counter productive and hence is actually taught away from Reed et al. (page 20, lines 17-30).

h.2 Examiner's argument

The appellant is arguing something irrelevant to the claims. The examiner did not disclose that the modifying the average color value is alleged to be the DC components. It is irrelevant to argue about counter productivity of Reed's invention based on appellant's hindsight.

i.1 Appellant's argument

The appellant argues that the claim 1 requires the actual portion of the additional information itself is placed in the at least one selected bit position, which is not disclosed by Reed (pages 21-22).

i.2 Examiner's argument

The examiner strongly disagrees with the appellant. Reed discloses that a color masking method maps changes in chrominance for selected color and may be used to map a change to encode a watermark to a chrominance change with colors that fall in a specified region (col. 37, lines 29-34). As an example, Reed discloses the Yellow channel (col. 37, lines 51-55) for the selected color. Furthermore, Reed discloses that color channels to which the watermark is applied are altered depending on a characteristic color of an image block to be transformed to transform coefficients, which are bits, for watermark encoding (col. 38, lines 29-24). The characteristic color can be

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computed as an average of the color of that block (col. 38, lines 24-25). So, these features overcome the appellant's argument.

III. Rejection of claims under 35 U.S.C. 103(a)

a.1 Appellant's argument

The appellant argues that claims 10, 12, 19 and 33 are allowable because the Reed does not cover the limitation of the independent claims which claims 10, 12, 19 and 33 are depending.

a.2 Examiner argument

The examiner disagrees with the appellant. Reed does not miss any limitations of the independent claims. Moreover the combination of Reed with Baudry or Doerr teaches all the limitations of claims 10, 12, 19 and 33. So, the claims cannot be allowable.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

/John Wahnkyo Lee/

Examiner, Art Unit 2624

Conferees:

Samir Ahmed

/Samir A. Ahmed/

Supervisory Patent Examiner, Art Unit 2624

Bhavesh Mehta

/Bhavesh M Mehta/

Supervisory Patent Examiner, Art Unit 2624